

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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D.R. an infant by her Mother and
Natural, Guardian, TOWANA
RODRIGUEZ and TOWANA
RODRIGUEZ, Individually,

Plaintiffs,

-against-

SANTOS BAKERY, INC. and WILSON
VILLATENMAZA,

Defendants.

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KATHARINE H. PARKER, United States Magistrate Judge:

20-CV-3628 (KHP)
ORDER

On August 15, 2023, the Court received an email communication from Defendants,
which is attached to this Order, seeking guidance from the Court on two issues.

First, Defendants seek clarification as to how confidential information should be
handled in their brief in support of the post-trial motion. To the extent either party wishes to
include information in their submissions that they reasonably believe should be filed under
seal, the parties shall follow the procedures set forth in Section III(d) of my Rules.¹ In sum, the
party must file a letter motion explaining the reasons for seeking to file information under seal
and addressing the request in light of the decisions in *Lugosch v. Pyramid Co. of Onondaga*, 435
F.3d 110 (2d Cir. 2006) and *Bernstein v. Bernstein Litowitz Berger & Grossman LLP*, 814 F.3d 132
(2d Cir. 2016). The letter motion must be filed in public view, and the party must separately
(a) publicly file the document with the proposed redactions, and (b) file under seal a copy of the

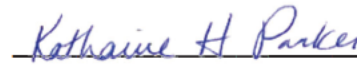
¹https://www.nysd.uscourts.gov/sites/default/files/practice_documents/KHP%20Parker%20Individual%20Practice%20in%20Civil%20Cases.pdf.

unredacted document with the proposed redactions highlighted. Because the Court has access to the trial transcript, the parties may cite to the transcript without including it as a separate exhibit.

Second, Defendant has expressed an interest in a referral to the Court-annexed mediation program. The court will refer the case to the mediation program provided Plaintiffs are willing to participate in the mediation. Plaintiffs shall file a letter no later than **Monday, August 21, 2023** stating their position on referral to the mediation program. Referral to the mediation program will not impact the briefing schedule in this case.

SO ORDERED.

DATED: New York, New York
August 16, 2023



KATHARINE H. PARKER
United States Magistrate Judge

From: [Kathleen M. Mulholland](#)
To: [Parker NYSD Chambers](#)
Cc: [Sharon Scanlan](#); [Marie DuSault](#); [Dolores Scott](#)
Subject: 1:20-cv-03628-PGG-KHP; Rodriguez v. Santos Bakery
Date: Tuesday, August 15, 2023 10:05:35 AM
Attachments: [image002.png](#)

CAUTION - EXTERNAL:

Good morning your Honor:

I represent the defendants in the above matter. As you will recall, we tried this matter before you between June 6 and 8, 2023. For some reason, I had this matter on my calendar for a conference call with your Honor this morning at 10:30 and hoped to get a couple of questions answered. However, plaintiff's counsel did not have it on and is away. I have since spoken with Chris from your Chambers and he confirmed that there was no conference this morning. He suggested I email you with the my questions.

First, I have prepared our post-trial motion and am ready to file same (a copy has already been provided to plaintiff's counsel) but, since exhibits to the motion include the trial transcript, which is on e-filing but not accessible, and photos of the minor plaintiff, I did not want to file it until I had clarification as to how any confidential information should be handled. I assume your Honor has a copy of the transcript and I should just reference each volume of the transcript via hyperlink to the transcript in system and you will be able to access even if we cannot? As for the photos, is it acceptable if we simply file a blank page listed as "redacted" for the photos and then email them to your Honor? If your Honor's staff could provide me with guidance in that regard, I would appreciate it.

Second, my carrier has expressed an interest in using the services of the Court's mediation process. Should I contact them directly or go through your Honor?

Thank you for your assistance.

Respectfully submitted,



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NAMWOLF
LAW FIRM MEMBER

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